

Practitioner's Docket No.: 791_056 DIV

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Hiroshi NEMOTO, Michio TAKAHASHI and Kenshin KITO

Ser. No.: 10/071,664

Group Art Unit: 1745

Filed: February 8, 2002

Examiner: Raymond Alejandro

Confirmation No.: 4184

For: LITHIUM SECONDARY BATTERY

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 25, 2004 under "EXPRESS MAIL" mailing label number EV 37308 3741 US.

Janet M. Stevens

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Sir:

Your petitioner, NGK Insulators, Ltd., residing at 2-56, Suda-cho, Mizuho-ku, Nagoya-City, Aichi-Pref., 467-8530, JAPAN, represents that they are the owners of the entire right, title and interest in U.S. Patent Application Ser. No. 10/071,664, filed February 8, 2002.

Except as provided below, petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of U.S. Patent No. 6,368,750, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,368,750, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantees, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321,

has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned has reviewed the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the petitioners identified above.

The undersigned is an attorney of record.

FEE STATUS
(37 C.F.R. § 1.20(d))

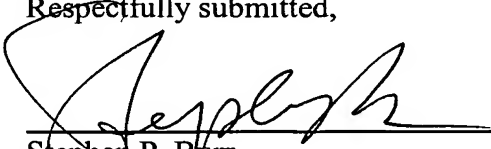
☒ Other than a small entity \$110.00
☐ Small entity \$ 55.00

FEE PAYMENT

☒ Attached is a check in the sum of \$ 110.00.
☒ Charge Account 50-1446 for any fee deficiency.
☐ Charge Deposit Account _____ the sum of \$ _____ and for any fee deficiency that may be due. A duplicate of this disclaimer is attached.

Respectfully submitted,

May 25, 2004
Date



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